

Exhibit 2

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
BRYAN D. DALY, Cal. Bar No. 117901
3 bdaly@sheppardmullin.com
CHARLES L. KREINDLER, Cal. Bar No. 119933
4 ckreindler@sheppardmullin.com
BARBARA E. TAYLOR, Cal. Bar No. 166374
5 btaylor@sheppardmullin.com
333 South Hope Street, 43rd Floor
6 Los Angeles, California 90071-1422
Telephone: 213.620.1780
7 Facsimile: 213.620.1398

8 Attorneys for Individual Counterclaim
Defendants Michael Omid, M.D. and
9 Julian Omid

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 ALMONT AMBULATORY
13 SURGERY CENTER, LLC, a
California limited liability company, et
14 al.,

15 Plaintiffs,

16 v.

17 UNITEDHEALTH GROUP, INC.;
18 UNITED HEALTHCARE SERVICES,
INC., UNITED HEALTHCARE
19 INSURANCE COMPANY;
OPTUMINSIGHT, INC., and DOES 1
through 20,

20 Defendants.

21 UNITED HEALTHCARE SERVICES,
22 INC., UNITED HEALTHCARE
INSURANCE COMPANY;
23 OPTUMINSIGHT, INC.,

24 Counterclaim Plaintiffs,

25 v.

26 ALMONT AMBULATORY
SURGERY CENTER, LLC, a
California limited liability company; et
27 al.,

28 Counterclaim Defendants.

Case No. 2:14-cv-03053-MWF(VBKx)
Honorable Michael W. Fitzgerald

**MICHAEL OMIDI, M.D. AND
JULIAN OMIDI'S RESPONSE TO
DEFENDANTS'/COUNTERCLAIM
PLAINTIFFS' FIRST SET OF
INTERROGATORIES TO
PLAINTIFFS/COUNTERCLAIM
DEFENDANTS**

Complaint Filed: March 21, 2014
Trial Date: None Set

1 PROPOUNDING PARTY: DEFENDANTS/COUNTERCLAIM PLAINTIFFS
2 ("UNITED")
3 RESPONDING PARTY: INDIVIDUAL COUNTERCLAIM DEFENDANTS
4 MICHAEL OMIDI, M.D. and JULIAN OMIDI
5 SET NO.: ONE

6 **RESPONSES TO INTERROGATORIES**

7
8 **PRELIMINARY STATEMENT**

9 Individual Counterclaim Defendants hereby incorporate all General
10 Objections and Specific Objections of Plaintiffs and Counter-Defendants Almont
11 Ambulatory Surgery Center, LLC, et al., i.e., the "Providers."

12 **INTERROGATORY NO. 1:**

13 Identify the amount you charged to any patient who obtained services under
14 CPT codes 43239, 43770, and 47562 between January 1, 2005 and the present,
15 including any patient who paid for such services without financial assistance from
16 any health care benefit plan, insurer, or managed care organization.

17 **RESPONSE TO INTERROGATORY NO. 1:**

18 Individual Counterclaim Defendants object to this Request in its entirety on
19 the ground that it seeks information that is not within their possession, custody, or
20 control in their individual capacities. In the event such information is determined to
21 be within the possession, custody, or control of Individual Counterclaim
22 Defendants, Individual Counterclaim Defendants specifically incorporate the
23 Providers' objections to this Request.

24 **INTERROGATORY NO. 2:**

25 Identify all health care professionals employed by, contracting with, or
26 operating under the control of any Plaintiff or Counterclaim Defendant who
27 provided any health care service to all Exhibit A Patients, including but not limited
28

1 to surgeons, physicians, doctors, nurses, psychologists, psychiatrists, therapists,
2 nutritionists, social workers, and laboratory specialists.

3 **RESPONSE TO INTERROGATORY NO. 2:**

4 Individual Counterclaim Defendants object to this Request in its entirety on
5 the ground that it seeks information that is not within their possession, custody, or
6 control in their individual capacities. In the event such information is determined to
7 be within the possession, custody, or control of Individual Counterclaim
8 Defendants, Individual Counterclaim Defendants specifically incorporate the
9 Providers' objections to this Request.

10 **INTERROGATORY NO. 3:**

11 Identify all individuals who prepared, processed, evaluated, or administered
12 any of the Claims submitted to United for all Exhibit A Patients.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 Individual Counterclaim Defendants object to this Request in its entirety on
15 the ground that it seeks information that is not within their possession, custody, or
16 control in their individual capacities. In the event such information is determined to
17 be within the possession, custody, or control of Individual Counterclaim
18 Defendants, Individual Counterclaim Defendants specifically incorporate the
19 Providers' objections to this Request.

20 **INTERROGATORY NO. 4:**

21 Identify all bank accounts, including the accounts referenced in the First
22 Amended Counterclaim, into which funds related to any United Member was
23 deposited, by the name of the bank or financial institution, account number, and the
24 name of the account holder and all signatories.

25 **RESPONSE TO INTERROGATORY NO. 4:**

26 Individual Counterclaim Defendants object to this Request in its entirety on
27 the following grounds. This Request seeks information that is not within Individual
28 Counterclaim Defendants' possession, custody, or control in their individual

1 capacities. In the event such information is determined to be within the possession,
2 custody, or control of Individual Counterclaim Defendants, Individual Counterclaim
3 Defendants specifically incorporate the Providers' objections to this Request. This
4 Request seeks documents arguably relating to United's alter ego theory of liability
5 alleged in the First Amended Counterclaim ("FACC"), rather than relating to any
6 claim or defense as provided in Fed. R. Civ. P. 26(b)(1), and arguably relating to the
7 tracing element of United's ERISA recoupment count. The FACC is subject to the
8 pending Motions to Dismiss. If those Motions are granted, in whole or in part—for
9 example, if the Individual Counterclaim Defendants are dismissed, the Court rules
10 that the alter ego allegations are insufficient to permit alter ego discovery in the
11 underlying action, as opposed to post-judgment proceedings, if any, or if the District
12 Court Judge rules that United cannot demonstrate tracing as a matter of law, then the
13 subject matter of this Request will not be relevant.

14 **INTERROGATORY NO. 5:**

15 Identify all mailing addresses, business addresses, practice addresses, or other
16 addresses used by each Plaintiff or Counterclaim Defendant between January 1,
17 2005 to the present. This includes all private or rented mail boxes, post office
18 boxes, physical addresses, office addresses, work addresses, and home addresses,
19 regardless of whether business was conducted on site.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 Individual Counterclaim Defendants object to this Request in its entirety on
22 the following ground. This Request seeks information arguably relating to
23 Counterclaim Plaintiffs' alter ego theory of liability alleged in the FACC, rather
24 than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1). The
25 FACC is subject to the pending Motions to Dismiss. If those Motions are granted,
26 in whole or in part—for example, if the Individual Counterclaim Defendants are
27 dismissed or the Court rules that the alter ego allegations are insufficient to permit
28

1 alter ego discovery in the underlying action, as opposed to post-judgment
2 proceedings, if any, then the subject matter of this Request will not be relevant.

3 **INTERROGATORY NO. 6:**

4 For each Plaintiff or Counterclaim Defendant, identify all Tax Identification
5 Numbers and National Provider Identifier numbers used for Claims submitted to
6 United, including Claims for which you contend payment is due.

7 **RESPONSE TO INTERROGATORY NO. 6:**

8 Individual Counterclaim Defendants object to this Request in its entirety on
9 the ground that it seeks information that is not within their possession, custody, or
10 control in their individual capacities. In the event such information is determined to
11 be within the possession, custody, or control of Individual Counterclaim
12 Defendants, Individual Counterclaim Defendants specifically incorporate the
13 Providers' objections and response to this Request.

14 **INTERROGATORY NO. 7:**

15 For all Exhibit A Patients, identify the dates of service, service provided (CPT
16 code), provider, and Tax Identification Number for all services for which you are
17 seeking payment or damages.

18 **RESPONSE TO INTERROGATORY NO. 7:**

19 Individual Counterclaim Defendants object to this Request in its entirety on
20 the ground that it seeks information that is not within their possession, custody, or
21 control in their individual capacities. In the event such information is determined to
22 be within the possession, custody, or control of Individual Counterclaim
23 Defendants, Individual Counterclaim Defendants specifically incorporate the
24 Providers' objections and response to this Request.

25 **INTERROGATORY NO. 8:**

26 For all Exhibit A Patients who have paid you directly for any services,
27 including any copayment, coinsurance amount, deductible amount, or any other kind
28 of payment, identify the patient's name, date of service, service provided (CPT

code), physician or facility, billing provider, servicing provider, total amount charged, amount collected from the patient, and the date of the patient's payment.

RESPONSE TO INTERROGATORY NO. 8:

Individual Counterclaim Defendants object to this Request in its entirety on the ground that it seeks information that is not within their possession, custody, or control in their individual capacities. In the event such information is determined to be within the possession, custody, or control of Individual Counterclaim Defendants, Individual Counterclaim Defendants specifically incorporate the Providers' objections and response to this Request.

INTERROGATORY NO. 9:

For each Corporate Counterclaim Defendant, identify your relationship, responsibilities, affiliation, and association with each of the other Plaintiffs or Counterclaim Defendants, including whether you receive any form of compensation from, or as a result of the operations of, such entities.

RESPONSE TO INTERROGATORY NO. 9:

Individual Counterclaim Defendants object to this Request in its entirety on the following ground. This Request seeks information arguably relating to Counterclaim Plaintiffs' alter ego theory of liability alleged in the FACC, rather than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1). The FACC is subject to the pending Motions to Dismiss. If those Motions are granted, in whole or in part—for example, if the Individual Counterclaim Defendants are dismissed or the Court rules that the alter ego allegations are insufficient to permit alter ego discovery in the underlying action, as opposed to post-judgment proceedings, if any, then the subject matter of this Request will not be relevant.

INTERROGATORY NO. 10:

Identify the name of any legal counsel, including in-house counsel and outside counsel, that you have retained to perform legal services from January 1,

1 2005 to the present and that has provided advice with respect to the corporate
2 organization of any Plaintiff or Counterclaim Defendant.

3 **RESPONSE TO INTERROGATORY NO. 10:**

4 Individual Counterclaim Defendants object to this Request in its entirety on
5 the following grounds. This Request seeks information that is not within Individual
6 Counterclaim Defendants' possession, custody, or control in their individual
7 capacities. In the event such information is determined to be within the possession,
8 custody, or control of Individual Counterclaim Defendants, Individual Counterclaim
9 Defendants specifically incorporate the Providers' objections to this Request. This
10 Request seeks information protected by the attorney-client privilege and attorney
11 work product doctrine. This Request seeks information arguably relating to
12 Counterclaim Plaintiffs' alter ego theory of liability alleged in the FACC, rather
13 than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1). The
14 FACC is subject to the pending Motions to Dismiss. If those Motions are granted,
15 in whole or in part—for example, if the Individual Counterclaim Defendants are
16 dismissed or the Court rules that the alter ego allegations are insufficient to permit
17 alter ego discovery in the underlying action, as opposed to post-judgment
18 proceedings, if any, then the subject matter of this Request will not be relevant.

19 **INTERROGATORY NO. 11:**

20 Identify any other individual, not previously identified, who has knowledge of
21 the events, communications, or documents out of which this Litigation arises.

22 **RESPONSE TO INTERROGATORY NO. 11:**

23 Individual Counterclaim Defendants object to this Request in its entirety on
24 the following grounds. This Request seeks information that is not within Individual
25 Counterclaim Defendants' possession, custody, or control in their individual
26 capacities. In the event such information is determined to be within the possession,
27 custody, or control of Individual Counterclaim Defendants, Individual Counterclaim
28 Defendants specifically incorporate the Providers' objections to this Request. This

1 Request is vague in that it does not identify what individuals have been “previously
2 identified.”

3 **INTERROGATORY NO. 12:**

4 Identify the physical location of any documents responsive to United’s First
5 Requests for Production of Documents.

6 **RESPONSE TO INTERROGATORY NO. 12:**

7 Individual Counterclaim Defendants object to this Request in its entirety on
8 the following grounds. This Request seeks information that is not within Individual
9 Counterclaim Defendants’ possession, custody, or control in their individual
10 capacities. In the event such information is determined to be within the possession,
11 custody, or control of Individual Counterclaim Defendants, Individual Counterclaim
12 Defendants specifically incorporate the Providers’ objections to this Request.

13 **INTERROGATORY NO. 13:**

14 Identify the factual basis of your claim for damages, including the amount
15 sought and basis thereof.

16 **RESPONSE TO INTERROGATORY NO. 13:**

17 This Request does not apply to Individual Counterclaim Defendants because
18 they are not Plaintiffs in this action and therefore do not have any claim for damages
19 in this action in their individual capacities.

20 **INTERROGATORY NO. 14:**

21 If you responded to any of United’s Requests for Admissions with anything
22 less than an unqualified “admit,” provide the factual basis for your objection or
23 denial.

24 **RESPONSE TO INTERROGATORY NO. 14:**

25 The Requests for Admissions seek information arguably relating to
26 Counterclaim Plaintiffs’ alter ego theory of liability alleged in the FACC, rather
27 than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1). The
28 FACC is subject to the pending Motions to Dismiss. If those Motions are granted,

1 in whole or in part—for example, if the Individual Counterclaim Defendants are
2 dismissed or the Court rules that the alter ego allegations are insufficient to permit
3 alter ego discovery in the underlying action, as opposed to post-judgment
4 proceedings, if any, then the subject matter of this Request will not be relevant.

5 **INTERROGATORY NO. 15:**

6 Identify the case name, case number, and the venue of each legal proceeding
7 in which you have appeared as a party, either as plaintiff, defendant, claimant,
8 petitioner, respondent, intervenor, or other third party, since January 1, 2008. This
9 request includes all civil, criminal, arbitration, and administrative proceedings.

10 **RESPONSE TO INTERROGATORY NO. 15:**

11 Individual Counterclaim Defendants object to this Request in its entirety on
12 the ground that it is not reasonably calculated to lead to discoverable evidence
13 relating to any patient claim at issue in this action.

14 Dated: December 8, 2014

15 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16
17 By



18 BARBARA E. TAYLOR

19 Attorneys for Individual Counterclaim
20 Defendants Michael Omid, M.D.
21 and Julian Omid
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 333 South Hope Street, 43rd Floor, Los Angeles, CA 90071-1422.

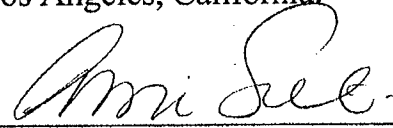
On December 8, 2014, I served true copies of the following document(s) described as **MICHAEL OMIDI, M.D. AND JULIAN OMIDI'S RESPONSE TO DEFENDANTS'/COUNTERCLAIM PLAINTIFFS' FIRST SET OF INTERROGATORIES TO PLAINTIFFS/COUNTERCLAIM DEFENDANTS** on the interested parties in this action as follows:

See Attached Service List

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 8, 2014, at Los Angeles, California.


Angie Sotelo

SERVICE LIST

Bryan Westerfeld
Nicole E. Wursher
WALRAVEN & WESTERFELD LLP
101 Enterprise, Suite 350
Aliso Viejo, CA 92636
Tel. (949) 215-1997
Fax: (949) 215-1999
Email: bwesterfeld@calemployerlaw.com
Email: nwursher@calemployerlaw.com

*Attorneys for Defendant UnitedHealth
Group, Inc. and
Defendants/Counterclaim Plaintiffs
United Healthcare Services, Inc.,
United Healthcare Insurance Company;
and OptumInsight, Inc.*

R.J. Zayed
Stephen P. Lucke
DORSEY & WHITNEY LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402
Tel: (612) 340-2600
Fax: (612) 340-2868
Email: zayed.rj@dorsey.com
Email: lucke.steve@dorsev.com

*Attorneys for Defendant UnitedHealth
Group, Inc. and
Defendants/Counterclaim Plaintiffs
United Healthcare Services, Inc.,
United Healthcare Insurance Company;
and OptumInsight, Inc.*

Daron L. Toooh
Eric D. Chan
Katherine M. Dru
HOOPER, LUNDY & BOOKMAN, P.C.
1875 Century Park East, Suite 1600
Los Angeles, CA 90067
Tel: (310) 551-8111
Fax: (310) 551-8181
Email: dtoooh@health-law.com
Email: echan@health-law.com
Email: kdru@health-law.com

*Attorneys for Plaintiff and Counter-
Defendant Providers*